

111TH CONGRESS
1ST SESSION

H. R. 3447

To amend the Internal Revenue Code of 1986 to implement on-going appropriations for withdrawals from the Harbor Maintenance Trust Fund, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2009

Ms. RICHARDSON introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Internal Revenue Code of 1986 to implement on-going appropriations for withdrawals from the Harbor Maintenance Trust Fund, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Harbor Maintenance
5 Trust Fund Reform Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) According to the Army Corps of Engineers
2 Fiscal Year 2008 Contract Dredging Program, only
3 160 contracts for America's over 300 harbors were
4 awarded last year at a cost of \$710,841,061 to
5 dredge 146,747,977 cubic yards of sediment.

6 (2) Vessels are increasing in tonnage, requiring
7 deeper drafts and making the dredging of America's
8 harbors vital to keep America's ports globally com-
9 petitive.

10 (3) According to the Department of Transpor-
11 tation, approaches and alongside depths in several
12 key ports must be increased to as much as 45 to 50
13 feet to allow increasingly larger vessels to access
14 America's ports.

15 (4) The Harbor Maintenance Trust Fund has a
16 current surplus of approximately \$4,600,000,000.

17 (5) In fiscal year 2009, \$1,626,426,155 was de-
18 posited into the Harbor Maintenance Trust Fund,
19 yet only \$710,841,061 or 43.7 percent of the rev-
20 enue generated in the Harbor Maintenance Trust
21 Fund was appropriated out to fund the dredging of
22 America's harbors.

23 (6) Each of the 22,975,000 businesses through-
24 out the United States are suffering as many of our
25 Nation's harbors are inadequately dredged, creating

1 the need to use smaller and less cost-effective vessels
2 to access American markets.

3 (7) Ports, States, and municipalities are uti-
4 lizing sparse resources on dredging instead of fund-
5 ing critical transportation infrastructure or health
6 and education programs.

7 (8) The expansion of the Panama Canal has se-
8 rious economic consequences to the United States
9 economy as increased cargo diversion will occur due
10 to the increased amounts of cargo entering the
11 United States via foreign port use.

12 (9) According to the United States Census Bu-
13 reau, United States ports handled some \$3.95 tril-
14 lion in international trade for an all-encompassing
15 range of goods and services in fiscal year 2007, with
16 nearly 1.4 billion tons, valued at \$1.4 trillion, in wa-
17 terborne imports and exports alone.

18 (10) According to the United States Census
19 Bureau, United States ports generated more than
20 \$23.2 billion in United States Customs duty reve-
21 nues in fiscal 2007, representing 70 percent of all
22 Customs duties collected.

23 **SEC. 3. HARBOR MAINTENANCE TRUST FUND REFORM.**

24 (a) IN GENERAL.—Section 9505(c) of the Internal
25 Revenue Code of 1986 is amended by striking “shall be

1 available, as provided in appropriations Acts,” and insert-
 2 ing “shall be available, without further appropriation,”.

3 (b) **EFFECTIVE DATE.**—The amendment made by
 4 subsection (a) shall apply to fiscal years ending after the
 5 date of the enactment of this Act.

6 **SEC. 4. HARBOR MAINTENANCE EXPENDITURES.**

7 (a) **AVAILABILITY OF AMOUNTS FROM HARBOR**
 8 **MAINTENANCE TRUST FUND.**—

9 (1) **IN GENERAL.**—Section 210 of the Water
 10 Resources Development Act of 1986 (33 U.S.C.
 11 2238) is amended—

12 (A) in the section heading by striking
 13 “**AUTHORIZATION OF APPROPRIATIONS**”
 14 and inserting “**FUNDING**”; and

15 (B) in subsection (a) by striking “are au-
 16 thorized to be appropriated” and inserting
 17 “shall be available, without further appropria-
 18 tion,”.

19 (2) **EFFECTIVE DATE.**—The amendments made
 20 by paragraph (1) shall apply to fiscal years ending
 21 after the date of the enactment of this Act.

22 (b) **ANNUAL REPORT TO CONGRESS.**—Section 210 of
 23 such Act (33 U.S.C. 2238) is amended by adding at the
 24 end the following:

1 “(c) ANNUAL REPORT TO CONGRESS.—Not later
2 than 180 days after the date of enactment of this sub-
3 section, and annually thereafter, the Secretary of the
4 Army shall submit to the Committee on Transportation
5 and Infrastructure of the House of Representatives and
6 the Committee on Environment and Public Works of the
7 Senate a report that—

8 “(1) describes the progress of making expendi-
9 tures from the Harbor Maintenance Trust Fund to
10 meet requests for funding projects;

11 “(2) analyzes the benefits dredging projects
12 have to the overall economy of the United States;

13 “(3) analyzes how critical each dredging project
14 is to the local, State and Federal economy; and

15 “(4) addresses the sufficiency of balances in the
16 Harbor Maintenance Trust Fund to meet antici-
17 pated project requests.”.

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